

REMARKS

This paper responds to the office action mailed September 26, 2003 ("the office action"). Claim 1 has been amended herein and claim 2 has been canceled. Claims 1, 5, 11, 12 and 15 are currently pending. Applicants respectfully request reconsideration of the present application in light of the foregoing amendments and the following remarks.

Claim Rejections - 35 USC § 102

Sections 2-3 of the office action rejected claims 1, 2, 5, 11 and 15 under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 5,397,510 to Clark ("Clark"). Applicants respectfully traverse this rejection.

Claim 1 has been amended herein to incorporate the limitations recited in claim 2. Claim 2 has been canceled. Claim 1, as amended, includes

"a cabinet having a display window therein... and the translating member including a visual indicator generally adjacent the display window that moves with the translating member to indicate the amount of water contained in the humidifier bottle"

As shown in Figure 2 of the present application, the translating member 170 moves in response to movement of the bottle 105. The visual indicator 174 moves with the translating member and is visible through the display window to indicate how much water is contained in the humidifier bottle based on the position of the bottle.

Clark merely mentions the use of an indicator light and associated circuit to indicate when the bottle is empty: "if the water in the bottle is exhausted the switch 50 will move to the second position and stop the motor while activating the indicator light." Col. 12, ll. 39-41. There is no disclosure or suggestion of this indicator light moving with a translating member,

such as the switch link (70) shown in Clark. There is no disclosure or suggestion of a visual indicator on the switch link (70) of Clark. Further, there is no disclosure or suggestion in Clark of providing a display window in the humidifier cabinet, or of positioning a visual indicator or a translating member adjacent such a display window so that the visual indicator of the translating member can indicate the amount of water remaining in the bottle.

It is well accepted that, to anticipate a claim, the prior art reference must disclose each claim limitation. As Clark fails to disclose at least the limitation mentioned above, it cannot anticipate claim 1, or any of the claims dependent thereon.

Claim 15 is presented in "means-plus-function" format as provided for in 35 USC 112, paragraph 6. Accordingly, the "means" limitations of claim 15 are construed to cover the corresponding structure described in the specification.

Claim 15 includes "first means for indicating the amount of water contained in the bottle." As noted above in the remarks regarding claim 1, the structure for indicating the amount of water contained in the bottle includes a visual indicator (reference 174 in Figure 2 of the present specification) that is visible through a display window in the humidifier cabinet. Further the visual indicator moves with the translating member as shown in Figure 2. Clark fails to disclose such structure or its equivalent.

Clark merely discloses a circuit that activates an indicator light. There is no disclosure in Clark of the structure disclosed in the present specification corresponding to the recited functions associated with the means elements.

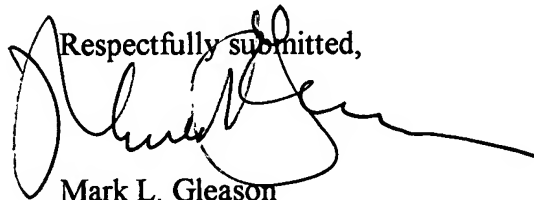
As such, Applicants respectfully submit that Clark cannot anticipate claim 15, or any claims dependent thereon.

Election/Restriction

Section 1 of the office action acknowledged the election of species, confirming that claims 1, 2, 5, 11, 12 and 15 read on this species. The Election/Restriction requirement mailed on 7/16/03 also noted that claims 1 and 15 were generic. As claims 1 and 15 are believed to be allowable, Applicants request consideration of withdrawn claims 3, 4, 6-10, 13, 14 and 16, as these claims all ultimately depend from either claim 1 or claim 15.

Conclusion

As evidenced by the foregoing amendments and remarks, Applicants have made a genuine effort to respond to each issue raised in the office action. All of the pending claims are believed to be proper for allowance. The Examiner is invited to contact the undersigned attorney at 952.474.3701 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,


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